

KENTUCKY LEGISLATURE.

IN SENATE.

TUESDAY, February 3, 1846.

Prayer by the Rev. Mr. Bullock.

The Clerk read the Journal of yesterday. Petitions were presented by Messrs. SOUTH, TODD, BUTLER, BRADFORD and DRAKE.

REPORTS FROM STANDING COMMITTEES.

Mr. JAMES, from the committee on Finance, a bill for the benefit of the County Court Clerks of Pike and Floyd: passed.

Also, that the committee be discharged from the leave to bring in a bill for the benefit of the Sheriff of Kenton: discharged.

Also, a resolution rejecting the petition of Buckner, Sheriff of Christian: adopted.

Also, a resolution rejecting the petition of Isaac Pearcell: adopted.

(A message from the H. R. announcing its action on sundry bills.)

Also, a bill for the benefit of James Pittman: \$50 for the support of an idiot: passed.

Also, a bill for the benefit of Robert B. Hall, of Barren county: allows him \$85 in addition to the sum allowed by law, for going to Mississippi to arrest Ned, a slave indicted for rape: rejected, yeas 11, nays 24.

Mr. HARDIN, from the committee on the Judiciary, a bill for the benefit of the Christian Church in Winchester: authorized to sell a lot, &c.: passed.

Also, a bill for the benefit of Elizabeth Williams, of Adair county: authorized to bring in two female slaves from Virginia: passed.

Also, a bill for the benefit of the Methodist Episcopal Church South, in Hopkinsville: authorized to sell a lot, &c.: passed.

Also, a bill for the benefit of Mary N. Gwinn: passed.

Also, a bill to change the time of holding the Green Circuit Court: to be held hereafter on the first Monday in April and October, and sit 15 judicial days.

The committee reported a substitute for the bill, that the Hart Circuit Court be held on the first Monday in April and October, and sit 12 judicial days, and that the Green Circuit Court be held on the first Monday in May and November, and sit 24 judicial days.

Mr. HARDIN moved that the bill lie on the table: negative, yeas 16, nays 15.

The substitute was then rejected, yeas 13, nays 19.

Mr. HARDIN moved an amendment that the Green Circuit Court be held on the first Monday in May and November, and sit 12 judicial days, and that the Hart Circuit Court be held the third Monday in May and November, and sit 12 judicial days.

Mr. MARSHALL moved that the bill lie on the table: agreed to.

Mr. HARDIN, from the same committee, a H. R. act establishing and incorporating the town of Fairview, lying partly in Christian and partly in Todd: passed.

Also, a resolution rejecting the petition of W. B. Bond: adopted.

Mr. CRENSHAW, from the same committee, a bill for the benefit of James G. Dilly, of Barren county: divorces him from his wife, Elizabeth, and legalizes his marriage with his present wife, late Hays.

Pending this bill, the Chair announced the orders of the day, which Mr. CRENSHAW moved to dispense: negative.

ORDERS OF THE DAY.

A bill to establish the county of McLean.

Mr. DYER moved an amendment to the 10th section, a proviso that the largest sum subscribed towards building the Court House, &c., should be deemed sufficient for that purpose by the County Court: adopted.

Mr. DYER moved an amendment, to the effect that, if the subscribers on the South side of Green river fail in six months to raise enough to build the Court House, &c., then those on the North side may have two years in which to raise the sum to erect the buildings on the north side, and the north side failing in that time, the County Court to establish the Seat of Justice.

Mr. TAYLOR moved that the bill lie on the table.

Mr. PEYTON moved a call of the roll: all present but Mr. CHENAUET.

And the question being taken, "shall the bill lie on the table?" it was decided in the affirmative, yeas 21, nays 16, as follows:

YEAS—Messrs. W. B. Boyd, Bradford, Bradley, Bramlette, Butler, Crenshaw, Fox, Gray, Hardin, Heady, Helm, Henderson, Holloway, Key, Patterson, Peyton, Slaughter, Taylor, Thurman, Todd and Woodson—21.

NAYS—Messrs. Ballard, A. Boyd, Comer, Driffin, Drake, Dyer, Evans, Harris, James, Marshall, Newell, South, Swope, Thomas, Walker and Wallace—16.

The SPEAKER presented a report from the Old Bank of Kentucky under resolutions of 1845: referred to committee on Banks, and ordered to be printed.

A H. R. act to remodel and change the Judicial Districts and equalize the labors of the Circuit Judges: referred to committee on the Judiciary.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 3, 1846.

Prayers being said by the Rev. Mr. Goodell, and the Journal of yesterday being read by the Clerk.

Petitions, &c., were presented by Messrs. HOWELL, STEVENSON, FINNELL, McKELLUP and Mr. SPEAKER, which were severally received, &c., and referred.

Mr. BROWN obtained a dispensation for that purpose, and offered the following resolution, which was adopted, to-wit:

Resolved, That on to-morrow, Wednesday, Feb. 4th, and on each day thereafter during the present session of the General Assembly, it shall be the duty of the Speaker, at the hour of 1½ o'clock, P. M., to announce a recess of one hour and a half; and that it shall be the duty of the House to meet again at 3 o'clock for the despatch of business.

Mr. CLEVELAND now obtained leave to change his vote of yesterday on the passage of the bill, entitled, an act to re-model the Judicial Districts, and equalize the labors of the Circuit Judges. He was in favor of the general provisions of the bill, but doubted its constitutionality in one point.

Mr. DUNCAN, who was absent on Saturday at the time of the adoption of the joint resolutions on the subject of the admission of Texas, asked now to have his vote recorded in the affirmative on that question.

The SPEAKER. The Chair was informed by the Clerk, that the yeas and nays on that question were new printed in the Journal, &c.

REPORTS FROM THE COMMITTEE ON CLAIMS.

The House now resumed the consideration of the unfinished business of yesterday, being a report from the committee on Claims, to-wit:

An act for the benefit of Nathan Board and others: The question being on the adoption of the amendment of the gentleman from Breckinridge, [Mr. J.

Smith] to-wit: To strike out from the bill that portion which allows compensation to the Commissioners of tax in Allen county for taking in their lists of taxable property a second time.

Mr. JOS. SMITH said he desired to press the amendment, not that he believed the compensation to be unjust; nor because he wished to defeat the bill—though he thought he perceived a disposition to vote it down; but because he wished to obtain an expression of the House on the question implied in the amendment.

Mr. ANTHONY supported the bill in its present shape. The amount of the allowance to these Commissioners was but \$45; and that compensation had been avowed heretofore.

Mr. HUGHES. These Commissioners had been required to perform extra services arising under a new statute, and they ought to be paid.

Mr. McKELLUP. He was a Commissioner last year, and happened to be caught in the same predicament with the Commissioners of Allen; and he affirmed that the extra labor imposed by the new statute was not so great as that of making out the lists originally. It was only necessary to re-calculate the amounts given in the lists, and correct the per cent. as required by the equalization law. For illustration, where an individual had given in \$500—receiving \$300, as under the former law, it was only necessary to make the alterations in the book, which would result from adding \$200 to the amount on which he was chargeable for tax when the list was first made out, &c.

And after further remarks by Mr. BARLOW and Mr. ANTHONY, the amendment was rejected.

The bill was then read a third time.

Mr. G. BOWLING, by way of rider, now proposed an amendment, to the effect, that all the Commissioners of tax in the Commonwealth be allowed to retain eight per cent. of the revenue listed under the former law, and re-listed and collected under the present: which was adopted.

And then, on motion of Mr. DALLAM, the bill was laid on the table.

Mr. HARDY, from the committee on Claims, proceeded again with his reports, to-wit:

A bill from the Senate entitled an act for the benefit of Mrs. Diana Maguire—without amendment, &c.: the bill was rejected.

A bill from the Senate entitled an act for the benefit of Philip Lightfoot, Sheriff of Breckinridge county.

Mr. ALEXANDER proposed to amend by adding a section allowing the Sheriff of Menck county till the first of June to make return of his delinquent list for the year 1845: which was rejected.

And then the bill passed.

Mr. H. now reported a motion to discharge the committee on Claims from the further consideration of the petition of John Newby: and they were discharged accordingly.

A Senate message by Mr. Secretary Kuhlmann, now reported the action of that body on sundry bills, &c.

Mr. HARDY, from the committee on Claims, reported again the bill for the benefit of George W. Fox and others, of Madison county, with the expression of an opinion that it ought not to pass.

(The bill proposed indemnification for the loss of horses by individuals detailed last fall for the execution of the sentence of court in Clay county against Dr. A. Baker.)

Some debate followed upon this bill, in which the proposition was warmly supported by Mr. J. S. SMITH, and Mr. HARDY.

And the question being taken on the third reading of the bill, it was lost by yeas 31; nays 60, as follows, to-wit:

YEAS—Mr. Speaker, Messrs. Abbott, Balee, Brooks, Cleveland, L. Combs, Darnaby, Desha, Duncan, Finnell, Glover, Haggard, Hatfield, Hay, Hughes, Hunton, Jackson, Mayes, Myers, Orr, Pope, Riley, Rodman, Joseph Smith, J. Speed Smith, Sparks, Speed, B. Stone, S. Stone, A. W. Thomas and Thurston—31.

NAYS—Messrs. Alexander, Anthony, Barkley, Barlow, Barnett, Begley, Botts, G. Bowling, Bramer, Breeden, Brown, Cessna, Clark, Clarke, James Combs, Conner, Cox, Dudley, Elliott, Evans, Fallis, Ford, Geo. Gardner, Glenn, Gore, Harlan, Hardy, Head, Headley, Howell, D. B. Johnson, A. Johnston, Jones, Kelly, Lapsley, Layne, Mason, Mayhall, Maxey, McCampbell, McKellup, Murray, Orrnorff, Priest, Pardon, Railey, Root, Seaton, Shawlin, Short, E. Smith, Stephens, W. Thomas, Walker, Waller, Wheat, Whitlock, Whitsett and Wortham—60.

So the bill was rejected.

Mr. HARDY, from the committee on Claims, reported a bill for the benefit of Joseph B. O'Reare, [with reference to removing a lunatic—providing that the charge be paid by the County Court of Montgomery:] passed.

Mr. H., in behalf of the same committee, reported a resolution adverse to the petition of the Jailor of Clay county: in which the House concurred.

Mr. H., from the same committee, to whom had been referred the bill for the benefit of William B. Howard, reported a substitute, allowing him \$18 for killing three wolves in Marshall county, which passed the House.

Mr. H., from the same committee, reported a bill for the benefit of William P. Blackstone, (authorizing the Second Auditor to draw his warrant on the Treasurer for \$130, for pursuing to Indiana and bringing back to justice a fugitive charged with kidnapping, &c.): passed.

Mr. HARDY, from the same committee, reported a bill for the benefit of Edward D. Stockton of Estill county—(compensation for attendance on a lunatic.)

Mr. JOSEPH SMITH proposed to amend, by a section, compensating Nathan Board and Richard Skillman for conveying a lunatic to the Asylum: which was adopted, and the bill passed.

The hour of twelve having arrived, on motion of Mr. HARLAN, the orders were dispensed with, for the purpose of receiving reports from standing committees.

Mr. JOSEPH SMITH, from the committee on Claims, reported a bill for the benefit of Conrad Havens of Campbell county, [allowing him \$50 a year for three years, ending January 1, 1846, for the support of Lucy Bradford, an idiot.]

Mr. WORTHAM proposed to amend by adding the following section, that \$50 be, and are hereby allowed to Jediah McClure, for the support of Davis McClure, an idiot, for the year ending Dec. 31, 1845.

Hereupon arose a question, whether it was in order to obstruct the proposition by the introduction of a new claim, which had not been before the committee, &c., and after some time spent in the discussion of this point, the amendment was withdrawn.

Mr. HARDY, from the committee on Claims, reported a bill from the Senate, entitled, an act for the benefit of Elijah McWhorter of Clay county, and William J. Mayo of Floyd county, with amendments, striking out the first and second sections.

On motion of Mr. COX, the question was divided and the striking out of the first section only was concurred in; while the second section, allowing compensation to Mayo, was not affected by the amendment: so the bill passed.

REPORTS FROM THE COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. B. STONE, from the committee on Privileges and Elections, reported the following bills, which were read a third time and passed, to-wit:

A bill to change the place of voting in the Lewisport precinct in Hancock county.

A bill to change the place of voting at an election precinct in Harlan county, from the house of John Kreech to the house of John Lewis in said county.

A bill to change the place of voting at an election precinct in Allen county, from the house of Thomas Allen to the house of Lee Allen in said county.

The last named bill being amended, to-wit: On motion of Mr. A. JOHNSTON, so as to change the place of voting in a Calloway county precinct, from Callowaytown to the house of James Ross in said county, and,

On motion of Mr. BRAUNER, so as to change the place of voting in a precinct of Whitley county.

Mr. B. STONE, from the committee on Privileges and Elections, to whom had been referred the bill to protect the right of suffrage and regulate the elective franchise, reported the same back to the House without amendment, and with the expression of an opinion that it ought not to pass: and the bill was rejected accordingly.

REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. HARLAN, from the committee on the Judiciary, reported the following bills: and the same being engrossed, they were severally read a third time and passed, to-wit:

An act to extend the corporate limits of the town of Newport.

An act to amend an act, entitled, an act to establish the Louisville Bank of Kentucky, and to incorporate the Merchants' Louisville Insurance Company.

An act for the benefit of John Rogers' children.

An act for the relief of William Lair, late Sheriff of Russell county—(relieving him from all arrearages of revenue for the year 1839, by paying principal and costs.)

An act for the benefit of the administrators of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts.

An act to legalize certain proceedings in the Bullitt County Court.

An act for the benefit of the Trustees of the town of Carlisle: (authorizing the sale of alleys in said town.)

An act concerning ferries on the Ohio river. [Extending the operation of the act of 1836, in relation to the ferries of Jefferson county, to every county bordering on the Ohio river.]

An act for the benefit of Nancy Easton.

An act to reduce into one the several acts in relation to the town of Danville, and for other purposes.

An act to establish the town of Johnstonville, in Monroe county.

An act providing for a change of venue in the prosecution against Reuben Payne—[from the Monroe to the Cumberland Circuit Court—amended, on motion of Mr. BARLOW, so as to make the change to the Allen Circuit Court.]

An act for the benefit of William P. Mitchell, a lunatic. [Having a family, it requires a special act to authorize the selling of his property.]

An act for the relief of Preston F. Samuels, of Bullitt county. [Being under twenty one years of age, the bill authorizes his appointment as a Constable, &c.]

An act for the benefit of James Coleman's children: [authorizing the sale of slaves.]

An act to establish and incorporate the town of Midway, in Woodford county.

An act to amend an act, entitled, an act, to incorporate the town of Lancaster, approved February 7, 1837.

Mr. HARLAN, also, from the same committee, reported resolutions adverse to the following petitions in which the House concurred, to-wit:

The petition of Elizabeth Kenney.

The petition of Samuel Carter and two other persons, trustees of the Salem Academy of Bardstov'n.

The petition of sundry citizens of Caldwell county—praying for another Judicial District; and,

The petition of David W. Williams.

Mr. HARLAN, from the same committee, reported their motion to be discharged from the further consideration of the petition of John Watt and others, and that it be referred to the committee on Claims: which was concurred in.

And then the House adjourned.

REMARKS OF MR. KELLY, OF CHRISTIAN, Delivered in the House of Representatives, Saturday, January 31, 1846, pending the consideration of the Texas resolutions. The question being on the adoption of the following amendment, by way of substitute, proposed by Mr. WORTHAM, to-wit:

"Whereas, the Republic of Texas has been admitted into this Union, and become one of the States; and, whereas, it is not now necessary for this State to take legislative action thereon: therefore, resolved, that this House will forbear to express opinion, or take action on the subject."

Mr. SPEAKER—I cannot vote for the resolutions on your table unless they are amended so as to make them less objectionable than they now are. I was one of those who opposed the annexation of Texas upon principle. I doubted then, and I still doubt the policy of extending the territorial limits of these United States by the annexation of a foreign nation to the confederacy.

But as Texas has been acquired, and she now constitutes part and parcel of this Union, I am perfectly willing that the powerful arm of this Government should defend her as well as the other States of this Union, and that the flag of the Union should be thrown over her and protect her from every assault, let it come from whatever quarter it may.

But, sir, I cannot say that I hail, (as expressed in the resolution,) the acquisition of that Republic with a hearty welcome; and I will not stultify all my former opinions, without being convinced that those opinions are wrong, by any vote of nine in this House. Sir, I see no necessity of any action of this House being taken in relation to Texas, any more than in relation to another State of this Union.

It appears to me, sir, it was a party movement; and I am unwilling to spend the time of this House in such extra legislation in regard to Texas to gratify any party purpose. I, sir, would be placed in a false attitude before my constituents, were I to vote for or against those resolutions; and I will not give a vote upon any question, that, let me vote as I may, it will not reflect truly my position.

This, sir, is nothing but a political ruse, a clap-net, gotten up originally, as I humbly conceive for party purposes, and which, I for one, cannot sanction by my vote. I shall therefore, Mr. Speaker, vote for the amendment offered by the gentleman from Grayson, (Mr. Wortham,) most willingly. And it is that not adopted by the House, (and I do not suppose that it will be,) I will if gentlemen allow me the opportunity, offer another amendment with a view to modify the resolution in such a manner that will allow me to vote for them.

I merely wished to place myself in a proper attitude before this House and before my constituents. Having made these remarks, sir, I will say no more: less I could not have said.

TOWN ORDINANCE.

A meeting of the Board of Trustees for the town of Frankfort, held on the 17th day of January, 1846, the following order was made:

Ordered, That the holders of property binding on Washington and Broadway streets, running down Washington from L. Thom as property to the corner on Broadway, and down Broadway, corner on Wilkinson street, be required to grade, pave and curb the same, under the direction of the Street Committee, and that they be required to have the same done, on or before the first day of May next.

H. WINGATE, Clerk.

Attest—J. W. BATCHELOR, Clerk.

January 20, 1846.—694-2m

DEFERRED PROCEEDINGS.

DEBATE ON THE BILL TO MAKE IT A PENAL OFFENSE TO USURP OFFICE.

IN SENATE, Monday, Jan. 12, 1846.

"A bill to amend the penal laws," came up in the orders of the day.

The bill was read as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, if any person shall hereafter usurp any office established by the Constitution or laws of this Commonwealth, or shall hold any such office, after his appointment thereto shall have been declared by a Court of competent jurisdiction, illegal or void, such person shall, on the presentment or indictment of a grand jury, be subject to a fine of not less than five hundred dollars, nor more than fifteen hundred dollars, at the discretion of a jury; and upon conviction and failure to pay said fine, shall be imprisoned in the Jail of the county where such offence shall be committed, until such fine, and the costs of the prosecution, are paid.

Mr. HARRIS moved the following amendment: "Provided, That nothing in this act shall in any wise apply to the contest in relation to the Jailor of Franklin county, now or hereafter."

Mr. HARRIS. I know not from what cause this bill has been introduced. I have heard of few or no usurpations of office in this State. Unless the contest between the Franklin County Court and the Court of Appeals, in relation to the office of Jailor of Franklin county has suggested this bill, I cannot conceive what has produced it. I know that in usurpations, and more especially in republics, the offence of usurpation should be punished. But whatever offences may have been committed, I feel satisfied that this bill should not pass, without the proviso I have offered. Suppose a controversy between a County Court and the Court of Appeals, affecting the rights of an officer appointed by the former under legal authority to make such appointment, do gentlemen mean to say that this bill, *ex post facto*, reaches back to that case? The words, "or shall hold any such office," are capable of being so applied.

The Democrats are in a minority on this floor. The Franklin County Court, which is Democratic, has removed a Jailor, who is a Whig. The Court of Appeals have decided the act of removal to be void. I am a law-abiding man. If the Appellate Court have power to execute their decision, let them exercise it; but let us not pass this law to interfere between the Supreme and inferior Courts. If there be no law on the statute book to punish usurpation, that fact may be regarded unfortunate, but we should not supply the omission merely to reach a single case. I am aware that the Court of Appeals have no original jurisdiction to authorize them to issue a mandamus. But the committee on the Judiciary are too well informed not to know that the Circuit Court has jurisdiction in the premises on an action of trespass on the case. If, therefore, it be the purpose of the bill to interfere in the contest about the office of the Franklin County Jailor, there is no necessity for it. But, sir, the bill will apply to that case. I read the bill and find the penalty attaches, not merely to those who may *usurp* office, but to those who "shall hold any such office," &c. I am authorized, by my information, to declare that the object of the bill is to punish the Jailor of Franklin county; for no other case of usurpation, or holding on to office after a competent Court declaring the appointment void and illegal, has been heard of. Sir, is it according to the genius and spirit of free institutions to pass *ex post facto* laws? Can it be shown that the operation of this bill will not be *ex post facto*? We have, I grant, a right to prescribe punishment for crimes, but I deny our competency to enact a retrospective law. I do not say what I had been a member of the Franklin County Court, would have done, on being properly advised of the decision of the Court of Appeals, in the case of Gorham vs. Luckett. But this is a novel case. I have a very high respect for the Court of Appeals, though I dissent from its decision in this case. The position of the minority of the Court, (Judge Brock,) in the language of John Q. Adams, "will stand the test of scrutiny, of talents and of time." I ask you, who have power to pass this bill, is it not *ex post facto*, and intended to operate on the Franklin Jailor case? Will the Legislature, for the first time, step in to interfere between the conflicting judicial authorities of the State? The County Courts are established by the Constitution as well as the Court of Appeals. As the Circuit Court has power, by mandamus, to bring the members of the County Court before it and punish them for trespasses, I hope the Legislature will not interfere. And as the common law prescribes remedies for the enforcement of Gorham's rights, if violated, this law is not necessary. If I am correct, as I think I am, that the Circuit Court can issue its mandamus to the County Court, to show cause why they have refused to allow to Gorham the rights and emoluments of the office of Jailor, I insist that this case should be exempted from the operation of the law; for it would otherwise be a dangerous precedent. If I am wrong as to what I have alleged to be the object of the bill, all I ask, and the least in such case that could be accorded, is, that the proviso I have offered be accepted by the advocates of the measure.

Mr. PEYTON. I hope the Senate will pass the bill and reject the amendment. The Senator from Floyd (Mr. Harris,) says this is an *ex post facto* law. He tells us the application of this law to the Franklin County Jailor will give it the effect of an *ex post facto* law. If I understand what is an *ex post facto* law, it is one enacted for, and applied to, the punishment of offences previously committed. This bill provides that, if any person "shall hereafter usurp any office," &c., he shall be subjected to a penalty. This is not *ex post facto*.

I know nothing of the facts of the Franklin County Jailor case, except from common rumor. I do know, however, that the highest judicial tribunal of the State has decided against the right of the County Court to expel a public officer without cause, notice or trial; but that tribunal has no original power, by specific statute, to enforce such a judgment, and it is the object of this bill to supply a remedy for such cases arising hereafter. How then, can this proposed act operate on the Franklin Jailor case, in the odious sense imputed? If the Jailor of Franklin county be a usurper; if he has been so declared by the Supreme Court of the Commonwealth; and if, after such decision by the highest tribunal, a decision which is the law, and should have the force of the law of the land, why, what right or propriety would there be in the Legislature, to exempt him particularly and expressly from the operation of a general law? Sir, the position of the Senator from Floyd is a monstrous one, and I do not envy him the credit of holding it. Here is a public officer holding to his place, after the Court of Appeals, whose decision is the law of the land, have declared his appointment null and void. Why, then, should he be exempted from penalty, if he shall continue "hereafter" to hold on? Sir, this Senate, by the adoption of the amendment proposed, would sanction this act of usurpation. Should we except any man who usurps an office, or holds on, after the Court of Appeals have decided him out?

Sir, the principles of this bill are founded in wisdom and justice, and embody a sound policy. The Senator does not deny their correctness. Yet he gravely asks the Senate to admit a proviso to protect one in office, who is either a usurper, or may hold on after the Supreme Court has declared his appointment void. This bill only holds him a usur-

per who has been in effect so declared by the Appellate Court. If the Jailor of Franklin county hold on after the passage of this bill, its provisions will reach him; but the bill cannot reach back. Is this not proper? Is it proper that an individual shall hold a place in contempt of the decision of the Supreme Court to the contrary, and that the Legislature shall protect a special individual in such contumacy? By this amendment, a specified individual is excepted, no matter though a Court of competent jurisdiction may "hereafter" decide him a usurper.

Mr. FOX. I am as much opposed as any one else to *ex post facto* laws; and though I am unwilling to stand in opposition to the Senator from Floyd, I am constrained to reject his amendment. But this is no *ex post facto* law. Its provisions apply to such acts of usurpation alone as may be committed hereafter. The law intends to operate on the future. Suppose we pass a law, requiring a tavern keeper, who had sold liquors before, to swear he will not sell spirituous liquors hereafter, and affixing a penalty, should he violate his oath; the law would not punish him for having sold liquor heretofore, but, for doing it after its passage. Or, suppose we make it a penal offence to utter blasphemous oaths, it would not be *ex post facto* in its operation hereafter, for oaths heretofore uttered, on persons heretofore in the habit of profane swearing. Are we not competent to pass such a law? Precisely similar in principle is the bill on the table. I know nothing of this Jailor case, except what I learn through the Court of Appeals. The man now in the office of Jailor of Franklin county, refuses to obey the decision of the Supreme Court. The bill does not propose to punish him for what he has done, but for what he, like any other usurper or contemner of judicial authority, may do. The Senator says there are remedies at common law in the Circuit Court for the ousted Jailor. But they are only individual remedies. They do not protect the dignity of the Commonwealth, outraged by acts of usurpation. They will remain to the individual, even should this bill pass. Does the Senator from Floyd want the Jailor of Franklin, or any one else, to hold an office in violation of law? He endeavors to have this bill put down, because he alleges it is suggested by an individual case.

LOUISVILLE, KY.
MERCHANTS, Travelers and Farmers, will find it to their advantage to call and see what bargains are to be had for cash.
All kinds of Country Produce bought at the best market price.
January 1, 1886

